

**16 DEC 2005**  
Attorney's Docket Number  
2006691-0002 (10662-121US CC/jl)

**TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A SUBMISSION UNDER 35 U.S.C. 371**

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)  
To Be Assigned **10/561053**

INTERNATIONAL APPLICATION NO.  
**PCT/CA2004/000907**

INTERNATIONAL FILING DATE  
**June 18, 2004**

PRIORITY DATE CLAIMED  
**June 20, 2003**

TITLE OF INVENTION  
**PLANT TRANSCRIPTIONAL ACTIVATOR AND USES THEREOF**

APPLICANT(S) FOR DO/EO/US  
**Brisson, *et al.***

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☒ The US has been elected (Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371 (c)(2))
  - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
  - b. ☒ has been communicated by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371 (c)(2)).
  - a. ☐ is attached hereto.
  - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3)).
  - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ have been communicated by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendment has NOT expired.
  - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371 (c)(3)).
9. ☐ An oath or declaration of the inventor(s) (35 U.S.C. (c)(4)).
10. ☐ An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).

**Items 11 to 20 below concern document(s) or information included:**

11. ☒ An Information Disclosure Statement under 37 CFR 1.97 and 1.98. )
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☐ A preliminary amendment.
14. ☐ An Application Data Sheet under 37 CFR 1.76.
15. ☐ A substitute specification.
16. ☐ A power of attorney and/or change of address letter.
17. ☒ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 – 1.825.
18. ☒ A second copy of the published International Application under 35 U.S.C. 154(d)(4).  
**Publication WO 2004/113541 A2 (39 pages); Publication WO 2004/113541 A3 (8 pages)**
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).

10/561053

PTO-1390 (Rev. 12-2004)

Approved for use through 3/31/2007. OMB 0651-0021

20. ☒ Other items or information:☒ Sequence Listing

- Paper Copy of Sequence Listing (4 pages)
- Computer readable format copy of sequence listing
- Statement Under 37 CFR § 1.821 (1 page)
- Amendment Introducing Sequence Listing (1 page)

☒ Information Disclosure Statement

- Transmittal Letter (6 pages)
- Form PTO 1449 (2 pages)
- Copy of Non-Patent References Cited in the International Search Report (7 documents; total 64 pages)

☒ Second and Supplementary Notice Informing the Applicant of the Communication of the International Application (1 page)☒ Notification of the Recording of a Change x 2 (1 page each; total 2 pages)☒ International Search Report and Written Opinion (21 pages, incl. cover sheets)☒ Notification Concerning Submission or Transmittal of Priority Document (1 page)☒ Invitation to Pay Additional Fees (6 pages)☒ Credit Card Payment Form (1 page)☒ Return Postcard

IAP6 Rec'd PCT/PTO 16 DEC 2005

## Certificate of Mailing

I certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as Express Mail (Express Mail No. EV 782615166 US) in an envelope addressed to Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

12-16-05

Date

Signature

Sandra Sliger

Typed or Printed Name of person signing certificate

U.S. APPLICATION NO. (if known, see 37 CFR 1.5) <b>TO BE ASSIGNED</b>		INTERNATIONAL APPLICATION NO. <b>PCT/US2004/009380</b>		ATTORNEY'S DOCKET NUMBER <b>2003080-0205 (SK-1071-US2)</b>																					
21. The following fees are submitted: <input checked="" type="checkbox"/> a) Basic national fee .....\$300.00 <input checked="" type="checkbox"/> b) Examination fee.....\$200.00 <input checked="" type="checkbox"/> c) Search fee (International Search Report prepared by an ISA other than the US).....\$400.00  <b>TOTAL OF ABOVE CALCULATIONS = .....\$900.00</b>				<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 50%;">Applicant use</th> <th style="width: 50%;">Office use only</th> </tr> <tr> <td>\$ 300.00</td> <td></td> </tr> <tr> <td>\$ 200.00</td> <td></td> </tr> <tr> <td>\$ 400.00</td> <td></td> </tr> <tr> <td>\$ 900.00</td> <td></td> </tr> </table>		Applicant use	Office use only	\$ 300.00		\$ 200.00		\$ 400.00		\$ 900.00											
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<input checked="" type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.																									
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE																						
22 - 100 =	0/50 =	0	x \$250.00																						
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492 (e)).																									
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 15%;">CLAIMS</th> <th style="width: 15%;">NUMBER FILED</th> <th style="width: 15%;">NUMBER EXTRA</th> <th style="width: 15%;">RATE</th> </tr> <tr> <td>Total claims</td> <td style="text-align: center;">47 - 20 =</td> <td style="text-align: center;">27</td> <td style="text-align: center;">27 x \$50.00</td> </tr> <tr> <td>Independent claims</td> <td style="text-align: center;">6 - 3 =</td> <td style="text-align: center;">3</td> <td style="text-align: center;">3 x \$200.00</td> </tr> <tr> <td colspan="3">MULTIPLE DEPENDENT CLAIM(S) (if applicable) YES</td> <td style="text-align: center;">\$360.00</td> </tr> <tr> <td colspan="3"><b>TOTAL OF ABOVE CALCULATIONS =</b></td> <td style="text-align: center;"><b>\$2,850.00</b></td> </tr> </table>				CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	Total claims	47 - 20 =	27	27 x \$50.00	Independent claims	6 - 3 =	3	3 x \$200.00	MULTIPLE DEPENDENT CLAIM(S) (if applicable) YES			\$360.00	<b>TOTAL OF ABOVE CALCULATIONS =</b>			<b>\$2,850.00</b>		
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<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.																									
<b>SUBTOTAL =</b>																									
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492 (f))																									
<b>TOTAL NATIONAL FEE =</b>				<b>\$ .00</b>																					
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property				<b>\$ 0.00</b>																					
<b>TOTAL FEES ENCLOSED =</b>				<b>\$2,850.00</b>																					
<b>Amount to be refunded</b>				\$																					
<b>Amount to be charged</b>				\$																					
a. <input type="checkbox"/> A check in the amount of \$____.00 to cover the above fees is enclosed. b. <input type="checkbox"/> Please charge my Deposit Account No. <u>03-1721</u> in the amount of \$_____ to cover the above fees. A duplicate copy of this sheet is enclosed c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>03-1721</u> . A duplicate of this sheet is enclosed. d. <input checked="" type="checkbox"/> Fees are to be charged to a credit card. <b>WARNING:</b> Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.																									
<b>NOTE:</b> Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137 (a) or (b)) must be filed and granted to restore the application to pending status. SEND ALL CORRESPONDENCE TO: <b>Patent Group          Choate, Hall &amp; Stewart LLP          Two International Place          Boston, Massachusetts 02110          Tel: 617-248-5000          Fax: 617-248-4000          Dated: 12/16/05</b>																									
<div style="border-top: 1px solid black; padding-top: 5px;">             Signature  <b>Brenda Herschbach Jarrell, Ph.D.</b>              Name  <b>39,223</b>              Registration Number           </div>																									